

Adopt § 946. Napa County Rules.

In addition to forest practice rules applying in the Coast Forest District and Northern Subdistrict of the Coast Forest District, rules contained in 946.1 through 946.33 shall apply within the boundaries of Napa County. Where the general rules conflict with Napa County rules, the Napa County rules shall apply.

NOTE: Authority cited: Section 4516.5, 4551 and 4551.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 946.1. Definitions.

In addition to the definitions contained within 14 CCR § 895.1, the following definitions apply:

"Designated Scenic Road (DSR)" means a scenic highway as identified in Figures 75 and 76 of the Scenic Highways Element (Chapter 7) of the Napa County General Plan, as amended thru January 23, 1996 and (i.e., State Highway 29 north of 121, State Highway 29/128, State Highway 121, State Highway 128, Bale Lane., Berryessa-Knoxville Road, Butts Canyon Road, Chiles-Pope Valley Road, Deer Park Road, Dry Creek Road, Howell Mountain Road, Lodi Lane, Lower Chiles Valley Road, Oak Knoll Avenue, Oakville Cross Road, Oakville Grade, Petrified Forest Road, Pope Canyon Road, Pope Valley Road, Silverado Trail, Wooden Valley Road, Yountville Cross Road, and Zinfandel Lane).

"Domestic Water Supply Reservoir (DWSR)" is a water impoundment located in a Domestic Water Supply Watershed (DWSW) that provides a supply of domestic water to the public.

"Napa County Drainage (NCD)" means any of those drainages depicted on the Napa County Drainages Map maintained by the Planning Department.

"Planning Department" means the Napa County Conservation Development & Planning Department.

"Planning Director" means the Director of the Napa County Conservation Development & Planning Department.

"Domestic Water Supply Watercourse" means those Class I, II, or III watercourses that flow either directly or indirectly into a Domestic Water Supply Reservoir (DWSR).

"Domestic Water Supply Watershed (DWSW)" means any of the following watersheds as depicted on the Domestic Water Supply Drainages map(s) maintained and hereafter modified from time to time as necessary by the Planning Director: Kimball Reservoir Watershed, Rector Reservoir Watershed, Milliken Reservoir Watershed, Bell Canyon Reservoir Watershed, Lake Hennessey Watershed, Lake Curry Watershed, Lake Madigan Watershed.

"Sensitive Habitat" means a marsh, a vernal pool, a wet meadow and other wet areas, or a wetland of any other type.

"Winter Period" means the period between October 15th and April 1st except in Domestic Water Supply Watershed (DWSW). In DWSWs, the winter period begins on September 1st and ends on April 1st.

"Water Purveyor" means the owner/operator(s) of a public-serving water supply system(s) located in a Domestic Water Supply Drainage.

NOTE: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

Adopt § 946.2. Assessment Areas.

When any portion of timber operations are located within a Domestic Water Supply Watershed (DWSW), or visible within 2000 feet (in its post harvest condition) of a Designated Scenic Road (DSR), the following assessment areas are to be used unless determined to be inappropriate by the RPF, in which case the RPF shall describe and justify the following alternative assessment areas:

(a) Watershed: The Napa County Drainage containing the proposed project and any other Napa County Drainages that comprise the remainder of the DWSW in which the project is sited.

(b) Soil Productivity: The Napa County Drainage containing the proposed project.

(c) Biological: Minimum area is the DWSW. Assessment areas larger than this minimum are to be determined on the basis of:

- (1) the species present;
- (2) their identified ranges;
- (3) for mobile species, their recognized movement patterns;
- (4) established protocols and/or regulations.

In no case shall the assessment area selected be larger than Napa County.

(d) Recreation: Area within one mile of geographic center of proposed project.

(e) Visual: The viewshed area defined by public roads carrying significant numbers of members of the public and any Designated Scenic Roads.

(f) Traffic: All private and public roads that will carry project traffic to the point where project-related traffic has been significantly diluted.

(g) Noise: Area within 6/10 of a mile of the boundary of the proposed project.

(h) Public Health/Safety: At a minimum, the Napa County Drainage containing the proposed project; at a maximum, area to include all sites at which project-related impacts will occur.

NOTE: Authority cited: Sections 4551 and 21080.5, Public Resources Code.

Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5, Public Resources Code; *Natural Resources Defense Council, Inc. v. Arcata Nat. Corp.* (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Adopt § 946.3. Special Harvesting Practices.

In addition to the provisions of 14 CCR §§ 913.1 and 933.1, the following conditions will apply:

(a)The use of the clear-cut silvicultural prescription is prohibited within 200 feet of the high-water mark of a DWSR or within 200 feet of a Designated Scenic Road.

(b)The use of alternative prescriptions having the same aesthetic results as the clearcut silvicultural prescription within these proximity zones are prohibited.

NOTE: Authority cited: Sections 4551 and 4561, Public Resources Code.

Reference: Sections 4561 and 4582(h), Public Resources Code.

Adopt § 946.4. Retention Standards and Re-Entry Periods.

In a DWSW, the provisions of 14 CCR § 913.8 subsection (a) apply. In addition, where timber operations are proposed in a DWSW, the harvesting limitation, re-entry period, and leave tree standards shall be as follows:

(a) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) DBH, the minimum re-entry period shall be 14 years.

(b) For areas where the proposed harvest rate is 50% or less of the trees greater than 45.7 cm (18 in.) DBH, the minimum re-entry period shall be 10 years.

(c) No more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) DBH shall be harvested.

NOTE: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 946.5. Log Hauling.

The following conditions regarding log hauling will apply:

(a) Log hauling on public roads or private roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.

(b) During log hauling on public roads or on private roads, the timber operator may be required by the Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527, 4562.7 and 4582, Public Resources Code.

Adopt § 946.6. Flagging.

In addition to flagging requirements in Article 12, Subsection 4,5 & 6 of Title 14 CCR, the Director, where necessary to protect adjoining properties, may require flagging of approximate boundary of the plan area, prior to the pre-harvest inspection, on the site where any logging road, tractor road or harvest area is proposed within 100 feet of the timberland owner(s) property line.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527, 4562.7 and 4582, Public Resources Code.

Adopt § 946.7 Soil: Timber Operation and Road Construction Debris

Deposition.

The process of constructing or reconstructing logging roads, tractor roads, and landings shall not cause soil or debris to be deposited on property owned by others, except with the consent of the other property owner. If construction wastes or road spoils are to be deposited outside the boundaries of the Plan area, the applicant shall provide a map and description showing the location of the proposed deposition.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527, 4562.7 and 4582, Public Resources Code.

Adopt § 946.8. Performance Bonding.

When hauling logs pursuant to a Plan, the LTO shall provide for the repair of any damage to a county road that is willfully or negligently caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, Napa County may request the posting of a financial security. The Department, upon such request, shall require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county roads and appurtenant structures that are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The timber operator or responsible party shall post a certificate of deposit, certificate of insurance, performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Div. 3, Part I, Chapter 1, Article 8, Sec. 11110 through 11113 of the Gov. Code. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan through the issuance of a report of satisfactory completion of the work by the Director (PRC 4586). When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall with concurrence of the Planning Director release the bond

or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs. If the repairs are not made the Department shall take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage.

When a bond or equivalent has been posted, the Department shall provide the Planning Director with a copy of the Timber Harvest Completion Report. The Planning Director shall advise the Department in writing within 30 days of receipt of notification of completion of hauling operations or the Timber Harvest Completion Report if damage has occurred and repairs need to be made. If the county fails to notify the Director within 30 days, the bond or surety shall be released.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527, 4562.7 and 4582, Public Resources Code.

Adopt § CCR 946.9. Hours of Operation.

Within 500 feet (line-of-sight) or 200 feet (terrain-shielded exposure) of any occupied dwelling on the lands of others, the operation of power equipment, except licensed highway vehicles, shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and state and nationally designated legal holidays. These same restrictions shall apply when such a dwelling lies within 1,300 feet (line-of-sight) or 600 feet (terrain-shielded exposure) of a landing used continuously for more than a week. The Director may grant an exception to

this rule if the Director finds that no disturbance will result to the occupants of the dwelling from the use of such equipment.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553 Public Resources Code. Reference: 33 U.S.C.A. Section 1288; Sections 4512, 4513, 4514.3, 4527, 4562.7 and 4582, Public Resources Code.

Adopt § 946.10. Tractor Yarding.

When timber operations are located in a DWSW, the tractor roads to be used on slopes of 30% or more shall be intervisibly flagged, or otherwise designated by the RPF or supervised designee on the ground prior to the Preharvest Inspection and prior to tractor road construction.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4562.5, 4562.7 and 4582, Public Resources Code.

Adopt § 946.11. Watercourse Mapping.

In addition to the watercourse mapping requirements provided in 14 CCR §§ 916.4 (a) and 936.4 (a), for operations located within a DWSW, the RPF shall conduct this examination in the expanded DWSW assessment area, labeling all watercourses with their class identification based on information provided by Napa County.

NOTE: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100, 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).

Adopt § 946.12. Domestic Water Supply Protection: Equipment Limitation

Zones.

In addition to the provisions of 14 CCR §§ 916.4(c)(1) and 936.4(c)(1), the following watercourse protections shall apply: Where timber operations occur in a DWSW, the RPF shall designate in the Plan an equipment limitation zone (ELZ) of at least 25 feet in width on both sides of any Class III watercourse(s) where side slope steepness is less than 30% and at least 50 feet where side slope steepness is greater than 30%. In any established ELZ described in this rule, entry by heavy equipment will be restricted to watercourse crossing identified and flagged by the RPF or supervised designee. In addition, at least 50% of the RPF estimated preharvest canopy cover and 50% of the preharvest total cover of shrubs shall be retained and evenly distributed throughout the ELZ. Where appropriate to protect the beneficial uses of water, the RPF shall describe additional protection measures, which may include surface cover retention, vegetation protection, and timber falling limitations. When necessary to protect the beneficial use of water, the RPF shall designate and the Director may require a WLPZ for Class III and Class IV waters or an ELZ for Class IV waters. Soil deposited during timber operations in a Class III watercourse shall be removed and debris deposited during timber operations shall be removed or stabilized before the conclusion of timber operations, or before the winter period, whichever occurs first.

NOTE: Authority cited: Sections 4551, 4553, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5 and 21001(f), Public Resources Code; Sections 1600 and 5650(c), Fish and Game Code; Sections 100, 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).

Adopt § 946.13. Reduction of Soil Loss.

Where a Timberland Conversion Application has been submitted, the provisions of 14 CCR §§ 916.7 and 936.7 shall not apply. Instead, areas that drain toward, and areas within 150 feet of any Domestic Water Supply Watercourse, where mineral soil exceeding 100 continuous square feet in size has been exposed by timber operations shall be treated for reduction of soil loss. Treatment shall be done prior to the DWSW Winter Period, except that any such bare areas created after these dates shall be so treated within 10 days or prior to the end of the day if the U.S Weather Service forecast is a "chance" (30% or more) of rain before the next day, whichever occurs first. Stabilization measures shall be included and explained in the Plan. Stabilization measures shall be selected that will prevent the significant movement of soil into Class I, II, III, or IV waters and may include, but need not be limited to, mulching, rip-rapping or grass seeding.

(a) This section does not apply to the traveled surface of roads.

(b) Where mineral soil has been exposed by timber operations on approaches to watercourse crossings of Class I or II waters, Class III waters if an EEZ or WLPZ is required, or any Domestic Water Supply Watercourse, the disturbed area shall be stabilized to the extent necessary to prevent the discharge of soil into the watercourse or lake in amounts deleterious to the quality and beneficial uses of water.

(c) Where necessary to protect the beneficial uses of water from timber operations, protection measures, such as seeding, mulching, or replanting, shall be specified to retain and improve the natural ability of the ground cover within the standard width of the WLPZ to filter sediment, minimize soil erosion, and stabilize banks of watercourses and lakes.

NOTE: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. References: Sections 4512, 4513, 4551.5, 4562.5 and 4562.7, Public Resources Code; 40 CFR 35.1505; and 33 USC Section 1288(b)(2)(F).

Adopt § 946.14. Domestic Water Supply Protection.

(a) When proposed timber operations may threaten to degrade the functioning of a domestic water supply (14 CCR §§ 916.10, 926.10, 1032.10) or the functioning of a DWSR, the Director shall evaluate any mitigations recommended prior to the close of the public comment period (PRC 4582.7) and shall require the adoption of those practices which are feasible and necessary to protect the quality and beneficial use of the supply. In this context, "degrade the functioning" may include but is not limited to:

(1) the need for significant additional filtration, over and above normal seasonal variation, resulting from increased suspended sediment or,

(2) the need for significant changes in management of reservoir levels in response to altered hydrographic patterns or,

(3) the need for increased dredging and/or sediment removal from the reservoir to maintain its capacity or,

(4) the need for significant changes in water treatment in response to chemical pollutants or increased nutrient loading.

(b) The Director may require a post-harvest evaluation of the effectiveness of the mitigations and practices designed to protect the domestic water supply as a condition of plan approval. The Director shall require an evaluation at the request of the San Francisco Bay Regional Water Quality Control Board, or any affected water purveyor, if the necessity for

the evaluation is supported by substantial evidence in the record. This evidence may include, but is not limited to, potential land failures, accelerated rate of road construction or harvesting within a watershed, or concentration or intensity of harvesting activity near streams or springs. The design and implementation of the evaluation shall be done in consultation with the Director, appropriate RWQCB, the Water Purveyor(s) involved, and THP submitter, and the sufficiency of the information requested by the Director shall be judged in light of reasonableness and practicality.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g) and 21160, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 21000(b), (f), 21002 and 21002.1, Public Resources Code; and 33 USC 1288(b)(2)(F).

Adopt § 946.15. Biotic Resources.

In addition to the provisions of 14 CCR § 1034(w), the plan shall include information pertaining to locally unique plant communities, animal species, and sensitive habitats as provided by Napa County, using information contained in the Napa County's Environmental Resource Mapping System.

NOTE: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4513 and 4551.5, Public Resources Code.

Adopt § 946.16. Road Construction.

(a) Whenever new road construction is proposed within a DWSW or is within 200 feet of a Designated Scenic Road, and the plan submitter, timberland owner or timber owner, owns or controls any property containing timberland contiguous to the parcel or parcels on which timber operations are proposed, the RPF shall include a map and explanation of how the new road is

integrated into the existing truck roads and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.

(b) Road construction shall be planned to stay out of Watercourse and Lake Protection Zones. When it is a better alternative for protection of water quality or stream function, or when such roads are the only feasible access to timber, exceptions may be explained and justified in the THP and approved by the Director, pursuant to 14 CCR §§ 897 and 898, if they meet the requirements of this subsection.

(c) In the case of timberland conversions, the construction of tractor roads, seasonal roads, logging roads, or the clearing of trees and other vegetation on slopes of 30% or greater shall not commence until a use permit or variance for such work has been approved by Napa County.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551 and 4551.5, Public Resources Code; 33 USC 1288(b) and 40 CFR 130.2(q); California Case Law: Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

Adopt § 946.17. Design of Drainage Structures and Watercourse Crossings.

In addition to the provisions of 14 CCR §§ 923.2 (h) and 943.2 (h), design preference for drainage structures and watercourse crossings is to be given to those structures that are less prone to failures that could result in increased sediment delivery to the watercourse system. Examples of these types of preferred drainage structures include bridges and rocked fords. Final design selections are to be made based on this preference along with consideration of practical placement, level of environmental disturbance, long-term maintenance and cost.

NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

Adopt § 946.18. Maintenance Period.

The prescribed maintenance period for erosion controls on permanent and seasonal roads and associated landings and drainage structures that are not abandoned in accordance with 14 CCR § 923.8 and 943.8 shall be three years.

NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4561.7, and 4562.9, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

Adopt § 946.19. Domestic Water Supply Protection: Road Maintenance.

When timber operations are sited within a DWSW, no oil or salt-based soil stabilizing agents shall be used to stabilize un-paved road running surfaces.

NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4561.7, and 4562.9, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; 33 USC 1288(b); Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

Adopt § 946.20. Plan Submittal and Notice of Intent.

In lieu of the provisions of CCR 14 § 1032.7 subsections (c), (e), (f) and (g), the following shall apply:

(a) The RPF shall prepare and submit to the Director, and simultaneously to the Planning Director and in a DWSW the Water Purveyor(s) involved, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR § 1032.7(d) which shall additionally include the following:

(1) A statement that the approximate boundary of the plan area has been flagged for review where logging roads, tractor roads or harvest areas are within 100 feet of the timber owner's property line;

(2) In a DWSW, the distance to the nearest Napa County Drainage (NCD) contributing watercourse, and along that contributing watercourse to the nearest Domestic Water Supply Reservoir(s), and the name(s) of said reservoirs;

(3) In the event helicopter yarding is proposed, a map that clearly identifies the areas within the proposed timber harvest plan area

that are proposed for helicopter operations, including helicopter log landing and service area sites and a statement about the approximate duration of helicopter yarding activities.

(b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road. If helicopter yarding is proposed, the list shall also include the names and addresses of property owners with property located within three thousand (3,000) feet of any location in the proposed timber harvest area in which logs are to be picked up, carried, or landed, or helicopters are to use for servicing. It is the intent of the notice provisions of this paragraph to direct the notice to both owners and residents of properties lying within the 3,000 foot notice area; accordingly if any property owner to be noticed by mail on a proposed helicopter yarding has a mailing address located outside of the three thousand foot notice area and such property owner's property within such area has a street address within such area, the list shall also contain the street address of the property within the three thousand (3,000) foot radius, and shall list the addressee at such property as "Occupant." The list shall be compiled within 60 days of plan submittal from the latest equalized assessment roll of the county or a list provided by a title insurance company doing business in Napa County. Any list prepared for noticing an operation with helicopter yarding shall be deemed accurate provided that it contains accurate information

regarding at least 95% of the property owners and site addresses entitled to notice under these Rules based upon the County Tax Assessor's records.

(c) The RPF or plan submitter shall mail copies of the Notice of Intent to all persons and other entities, specified under 14 CCR § 946.20 (b) above and (c)(1)(2) below, at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR § 1032.7 (d)(8) at a conspicuous location on the private road where a majority of the road association members can view the notice, on the nearest public road, and, if helicopter yarding is proposed, at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The RPF or plan submitter shall further mail the Notice of Intent to:

(1) All members of the Board of Supervisors in whose district any timber operation is proposed;

(2) Any local publicly-owned water district or community water system which maintains any water production or water storage facility downstream from any location within which any timber operation is proposed. In addition, the applicant will publish for a single appearance in a local paper of general circulation a brief synopsis of the contents of the Notice of Intent sufficient to clearly describe the proposed operation's location and extent. At the time of plan submission, the plan submitter shall certify to the Director in writing that this procedure has been followed and provide a proof of newspaper publication.

(d) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:

(1) All property owners not previously noticed under subsection 14 CCR § 946.20(b) who, because of the plan amendment, would be required to receive the notice provided in subsection 14 CCR § 946.20(b);

(2) All property owners previously noticed under subsection 14 CCR § 946.20(b) when there is a change in silvicultural method.

(e) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, or publicly-owned water district or community water systems, any available printed general informational material that has been jointly approved by the County of Napa and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable rules, ordinances or statutes.

(f) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.

(g) In the event the Director shall approve a timber harvesting plan which provides in whole or in part for helicopter yarding and where such harvest operations are not commenced within the same harvest season in which the plan is approved, the plan submitter shall, not less than 14 days prior to the estimated commencement of helicopter operations and not more than 28 days prior to the estimated commencement of such operations:

(1) Mail a notice to all persons previously notified of the Notice of Intent of the original application or any amendment under 14 CCR §

946.20(b) above, providing notice of the fact that the helicopter yarding was approved, containing a map showing the location of the harvest areas, landing area, and service area approved in the Plan, the hours of operation, the estimated starting date of helicopter yarding activities, the estimated completion date, and any conditions placed on the helicopter yarding activity by the Director as part of the approval; and

(2) Post a copy of the notice at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted notice shall be on colored paper or identified with colored flagging so as to be easily visible to the public;

(3) The plan submitter shall further mail the notice to those persons identified in 14 CCR § 946.20(c)(1) & (2).

(4) Prior to commencement of helicopter operations, the plan submitter shall certify to the Director in writing that these procedures have been followed.

NOTE: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 946.21. Domestic Water Protection: Request for Information.

In lieu of the provisions of 14 CCR § 1032.10, the following shall apply: The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, III, or IV watercourse(s) which receives surface drainage from the proposed timber operations. The notice shall request that the THP submitter be advised of surface domestic water use from the watercourse, within the THP or within 1,000 feet downstream of the THP

boundary. In addition in a DWSW, the THP submitter shall provide this same notice to the water purveyor(s) involved. When required to notice by letter, publication shall also be given one time by the THP submitter in a newspaper of general circulation in the area affected by the proposed project. Such letter and publication shall notify the party of the proposed timber operation and describe its legal location and identify the name, if any, of the watercourse and in a DWSW, the Domestic Water Supply Reservoir (DWSR) it may affect. The letter and publication shall request a response by the property owner within ten days of the post-marked date on the letter or the date of publication as appropriate. Except in a DWSW, the RPF may propose, with justification and explanation, an exemption to such notification requirements, and the Director may agree. Copies of either notice, proof of service and publication, and any responses shall be attached to the THP when submitted. If domestic use is noted, the plan shall contain mitigations necessary to protect domestic water use. The plan shall not be submitted until ten days after the above notification(s) have been done.

NOTE: Authority cited: Sections 4551 and 4582.3, Public Resources Code.

Reference: Sections 4551, 4581, 4582.3, 21080 and 21092, Public Resources Code.

Adopt § 946.22. Contents of Plan: Plan Area Description.

In addition to the provisions of 14 CCR 1034 § (g), the following information is to be provided for the plan area:

(a) Napa County Drainage name(s).

(b) Domestic Water Supply Watershed name(s), if applicable.

(c) distances to nearest watercourses.

NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

Reference: Sections 4527, 4582 and 4583, Public Resources Code.

Adopt § 946.23. Contents of Plan: Mapping Requirements.

In lieu of the provisions of 14 CCR § 1034 (x), the following shall apply: On titled USGS topographic (if available) or equivalent topographic maps of a scale not less than 2" to the mile, 1"= 200' where timberland conversions involved, the information in subsections 14 CCR § 946.23 (1-4), (8), (9), and (11-13) shall be clearly shown. Additional maps, which may be topographic or planimetric, may be used to provide the information required in the other subsections or show specific details, to improve map clarity. All maps are preferred to be submitted in electronic format using commonly accepted software as well as in paper copies. When timber operations are sited within a DWSW, a series of maps are to be used. The initial map is to present the general location of the project and is to be on a USGS topographic map, or equivalent, at a scale not smaller than 1"=2,000'. The second level map is to show an area large enough to present the project area relative to the Domestic Water Supply Reservoir involved. Subsequent level maps are to present information at a detail sufficient to assess site specific impacts on water quality and vegetation cover but no less than 1"=200'. The appurtenant roads referenced in subsection (4) may be shown on a map, which may be planimetric with a scale as small as one-half inch equals one mile. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages.

(1) Boundaries of logging area shall be shown on quadrangle map or its equivalent.

(2) Boundaries of regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions that are to be applied.

(3) Boundaries of yarding (logging) systems, if more than one system is to be used.

(4) Location of public roads and those private roads to be used for timber operations within the plan area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timber owner, timberland owner, timber operator, or submitter of the plan, and classification of all proposed and existing logging roads as permanent, seasonal, or temporary roads, and those Designated Scenic Roads within ½ mile of the plan area. These latter roads shall be identified as "Designated Scenic Road"

(5) Probable location of proposed and existing landings in the watercourse and lake protection zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves substantial excavation.

(6) Road failures on existing roads to be reconstructed.

(7) Location of all watercourse crossing of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing. Where timber operations are sited within a DWSW this locational information is to be provided regardless of watercourse classification.

(8) Location of erosion hazard rating areas, if more than one rating exists.

(9) Location of all watercourses with Class I, II, III, or IV waters annotated with the "-DWS" appendage if the timber operations are sited within a DWSW.

(10) Location of known unstable areas or slides.

(11) Location of understocked areas prior to timber operations, and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules.

(12) Location of boundaries of timber-site classes needed for determination of stocking standards to be applied, down to at least a 20-acre minimum or as specified in the district rules.

(13) Location of main ridge tops on the logging area suitable for fire suppression efforts that will require the felling of snags.

(14) Location for which heavy equipment use is proposed on unstable areas, or on areas for which tractor use is proposed beyond the limitations of the standard forest practice rules.

(15) Location of any in lieu use of heavy equipment and location of roads other than crossings in the WLPZ, marshes, wet meadows, and other wet areas.

(16) Location of any new or reconstructed road segment(s) that exceed an average 15% grade for over 200 feet.

NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

Reference: Sections 4527, 4582 and 4583, Public Resources Code.

Adopt § 946.24. Registered Professional Forester Responsibility.

In addition to the provisions of 14 CCR § 1035.1 (a), in instances where timber operations are sited within a DWSW, the provisions of 14 CCR § 913.8 (b)(5) also apply and the RPF shall be retained throughout the operations until the Notice of Completion is approved by the Director. In these instances, the RPF will hold any infield meetings with the landowner or LTO, place WLPZ, EEZ, or ELZ flagging, oversee installation of watercourse crossings and erosion control structures, and review and approve the implementation of any other mitigation action addressing soil erosion. The RPF will personally make site visits throughout operations at a periodicity of not less than two per seven-day period.

NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

Reference: Sections 4583.2 and 4583.5, Public Resources Code.

Adopt § 946.25. Notice of Filing: Distribution.

In addition to the provisions of 14 CCR § 1037.1, the Director shall distribute the Notice of Filing to the Planning Director and the affected local Water Purveyor(s) if the project is sited within a DWSW.

NOTE: Authority cited: Sections 4551, 4551.5, 4552, 4582.4, 4582.6 and 21080.5, Public Resources Code; NRDC v. Arcata National Corp. (1976), 59 Cal. App. 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.7, 4582.75, 4592, 21081 and 21092, Public Resources Code.

Adopt § 946.26. Review Teams to be Established.

In addition to the provisions of 14 CCR § 1037.5 (a), a representative of the Planning Department will be part of the review team.

NOTE: Authority cited: Sections 4551 and 21080.5, Public Resources Code.
Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5, Public Resources Code; and Natural Resources Defense Council, Inc. v. Arcata Nat. Corp. (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172.

Adopt § 946.27 Review Period Waiver

In addition to the provisions of 14 CCR § 1037.10(a), the Director may waive or shorten the time period for approval if all the following are true of the plan:

(a) no timber operations or related activities occur within a DWSW;

(b) no timberland conversions operations occur on slopes greater than 30%;

(c) no timber operations are proposed within an ELZ;

(d) no timber operations or related activities occur that are visible within 2000 feet (in their post-harvest condition) of any Designated Scenic Road.

(e) In lieu of the provisions of 14 CCR § 1037.10(b), the following language applies: For the purposes of protection of public health and safety, or the environment, the Director, after consulting with the Planning Director, may approve the Timber Harvest Plan. The basis for the shortened or waived review period must be stated in writing.

NOTE: Authority cited: Section 4516.6, Public Resources Code. Reference: Sections 4516.5, 4516.6 and 4582.7, Public Resources Code; and Sections 1037 and 1037.4, Title 14, California Administrative Code.

Adopt § 946.28. Exemption Form: Mapping Requirements.

In addition to the provisions of 14 CCR § 1038.2, a map at a scale appropriate for showing the location of the proposed operation in relation to the Domestic Water Supply Reservoir(s) involved and the Designated Scenic Road(s) where timber and related operations are proposed within a DWSW or are visible within 2000 feet (in their post-harvest condition) of a Designated Scenic Road, is to be included as part of the information provided on the exemption application.

NOTE: Authority cited: Sections 4553 and 4584 Public Resources Code.

Reference: Sections 4527 and 4584, Public Resources Code. EPIC v. California Department of Forestry and Fire Protection and Board of Forestry and Fire Protection (1996) 43 Cal. App.4th 1011.

Adopt § 946.29. Emergency Notice: Mapping.

In addition to the provisions of 14 CCR § 1052 (a)(4), where timber operations are sited within a DWSW or are visible within 2000 feet (in their post-harvest condition) of a Designated Scenic Road, watercourse classifications within the DWSW will carry the "-DWS" appendage and Designated Scenic Roads will be identified. Furthermore, at least one map should be of a scale small enough to permit evaluation the spatial relationships between the proposed operation and the Domestic Water Supply Reservoir(s) in the DWSW and/or the Designated Scenic Road(s).

NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

Reference: Section 4592, Public Resources Code.

Adopt § 946.30. Emergency Notice: Waiting Period.

Timber operations pursuant to an Emergency Notice may not commence for five working days from the date of the Director's receipt of the Emergency Notice unless the Director waives the waiting period. In addition to the provisions of 14 CCR § 1052(d), the waiting period shall not be waived when the proposed operation is located within in a DWSW or is visible within 2000 feet (in its post-harvest condition) of a Designated Scenic Road, except where necessary for the protection of public health and safety. In addition, the Director shall send a copy of the Emergency Notice and Notice of Acceptance to the Planning Director via facsimile or email within 1 working day of the acceptance of the Emergency Notice.

NOTE: Authority cited: Sections 4551 and 4552, Public Resources Code.

Reference: Section 4592, Public Resources Code.

Adopt § 946.31. Conversion Exemptions: Distribution of Notice of Conversion Exemption.

In addition to the provisions of 14 CCR § 1104.1 (a)(1), the Director shall distribute the Notice of Conversion Exemption to the Planning Director.

NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public Resources Code.

Adopt § 946.32. Conversion Exemptions: Mapping Requirements.

In lieu of the provisions of 14 CCR § 1104.1 (a)(1)(C), the following provisions shall apply:

(a) a map showing the general location of the operation on a standard USGS topographic quadrangle at a scale of not less than 1:24,000.

(b) other maps shall be at a scale of not less than 1:12,000, showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, existing and proposed permanent access routes to operation and subsequent conversion activities, location and classification of all watercourses, and landing locations.

Both the general location map and the more detailed maps are to include Designated Scenic Roads as a classification in addition to the standard road identification provisions of 14 CCR § 1034 (x)(4) if the area within which conversion activities will take place is visible within 2000 feet (in its post-harvest condition) of a Designated Scenic Road. If the operation is located within a DWSW, the general location of the operation relative to the Domestic Water Supply Reservoirs(s) present shall also be shown.

NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public Resources Code.

Adopt § 946.33. Conversion Exemptions: Project Description.

In addition of the provisions of 14 CCR 1104.1 (a)(1)(E), the following shall apply: The Notice of Conversion Exemption shall specify what the non-timberland use will be after conversion and all those specific actions to be taken to realize this use. These actions include those taken to install the productive elements and/or the supporting infrastructure and those associated with the continuing post-conversion operations.

NOTE: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628,
Public Resources Code. Reference: Sections 4512, 4513, 4628 and 4584, Public
Resources Code.

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